

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Kyra Riddick	Debtor(s)	CHAPTER 13
MIDFIRST BANK	Movant	
vs.		
Kyra Riddick	Debtor(s)	NO. 18-10137 ELF
William C. Miller Esq.	Trustee	
		11 U.S.C. Section 362

**MOTION OF MIDFIRST BANK
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is MIDFIRST BANK.
2. Debtor(s) is the owner(s) of the premises 738 Wynnewood Road, Philadelphia , PA 19151, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$94,254.00 on the mortgaged premises that was executed on July 29, 2008. Said mortgage was recorded on July 31, 2008 in Document ID 51945521. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on July 27, 2015, in Document ID 52945660 in Philadelphia County.
4. William C. Miller Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor(s) has failed to make the monthly post-petition mortgage payments in the amount of \$709.41 for the months of April 2018 through June 2018 with monthly late charges at \$15.55 for the months of April 2018 and May 2018 with less of a suspense balance of \$8.74.
7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees

and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is **\$2,150.59** (plus attorney's fees & costs).

9. Debtor is currently delinquent in plan payments to the Chapter 13 Trustee in the amount of \$695.00.

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Kevin G. McDonald, Esquire

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